

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARGARET A. HEITZ,	:	
Plaintiff,	:	Case No. 3:11cv00211
vs.	:	District Judge Thomas M. Rose
		Magistrate Judge Sharon L. Ovington
VITAS INNOVATIVE	:	
HOSPICE CARE, et al.,	:	
Defendants.	:	

DECISION AND ENTRY

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. # 27), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on October 18, 2011 (Doc. #27) is ADOPTED in full;
2. Plaintiff's Amended Motion to Amend Complaint and to Add Parties (Doc. #26) is GRANTED, in part, as to the addition of Sherrie Young and Vitas Healthcare Corporation of Ohio as Defendants, and DENIED, in part, as moot as to Chemed Corporation and Natalie Williams;
3. Plaintiff's Motion to Remand (Doc. #13) is GRANTED, in part, as to

Plaintiff's request to remand this case to state court;

4. Plaintiff's Motion to Remand (Doc. #13) is DENIED, in part, as to Plaintiff's request for court costs, expenses, and attorney fees because there was an objectively reasonable basis for Defendant Sunrise Senior Living Services, Inc. to seek removal;
5. The case is REMANDED to the Clerk of Courts, Court of Common Pleas, Montgomery County, Ohio for further proceedings; and,
6. This case is TERMINATED on the docket of this Court.

November 7, 2011

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge